

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 24, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Gaylor Baird; Council Members: Christensen, Eskridge, Fellers, Lamm, Raybould; Absent: Camp; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of October 17, 2016, reported having done so, found same correct.

Seconded by Lamm & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

APPLICATION OF ACR CORPORATION DBA JAKE'S CIGARS & SPIRITS TO EXPAND ITS CLASS CCS LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 25 FEET BY 54 FEET AT 101 NORTH 14TH STREET, SUITE 1 - Jason Hutchison, 101 North 14th Street, Suite 1, applicant, came forward to take the oath and requested approval. Mr. Hutchison stated they want to open a non-smoking section to their establishment.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE YANKEE HILL ROAD FROM 70TH STREET TO HIGHWAY 2 AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - Thomas Shafer, Public Works, came forward and stated this is in regards to the Yankee Hill Project that is ongoing now. This is to accept transfer of RTSD Funding for the Yankee Hill Road Project to move the railroad crossing to a safer area. OPPD will be constructing the crossing and will bill the City for the cost of the project. The City will then request reimbursement from the RTSD, this agreement is what allows us the ability to ask for reimbursement. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE, EASTERDAY, CRIPPLE CREEK, AND SEACREST PARKS) - Lynn Johnson, Lincoln Parks and Rec. Director, came forward and stated this is a request for approval to submit a grant application to the Nebraska Game & Parks Commission for federal funds to renovate four neighborhood playground projects. This grant is with Land & Water Conservation Fund Grant Program and is a matching funds grant program. The City will need to pledge \$195,000.00 of local money to match the federal funds. The City will be responsible for the maintenance of these parks. Two of the parks are already Land & Water Conservation sites, Seacrest and Easterday. Irvingdale and Cripple Creek would be new to the Land & Water Conservation Program. Discussion followed.

Cyndi Lamm, Council Member, inquired what would happen if we did not get this grant funding. Mr. Johnson stated we would only be able to fix two of the four parks. Discussion followed.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2016 - Jerry Katskee, Katskee, Suing & Maxell, 10404 Essex Court, Suite 100, Omaha, came forward on behalf of Kathy & Michael Williams for a claim against the City. Mr. Katskee stated this was a bike route that was made into Bison Bike Route. While on this bike route Michael Williams saw a low hanging tree branch just prior to hitting it and swerved out of the way, his wife did not have time to react and hit the branch and received injuries from this accident. They feel the tree branches in that area hang well below the Federal, State and City's standards of 9 feet. This branch was at 3½ to 4 feet and hanging out into the area. Discussion followed.

Michael Williams, 2031 West Kostal Ct., came forward and stated there are five or six trees planted on that same path in the area, and all of the trees looked as if they had been trimmed except the tree my wife got injured on. Discussion followed.

Ronald Sheldon, 1626 O Street, Apt. 116, came forward and stated that there are trees all over hanging over the sidewalks. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING
OCTOBER 24, 2016
PAGE 20**

STREET NAME CHANGE 16001 - RENAMING A PORTION OF PINE LAKE ROAD GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 75TH STREET AND PINE LAKE ROAD TO ARCHER LANE - Matthew Hubel, The Schemmer Associates Inc., 1044 North 115th Street, Suite 300, Omaha, came forward and stated that this is an application for a name change to Archer Place. Discussion followed.

David Cary, Planning Director, came forward and stated that the correct name for the road should be Archer Place not Archer Lane. Discussion followed.

Jane Raybould, Council Member, inquired who will be responsible for getting the new road up to standards.

Mr. Hubel stated this would be applicants responsibility and the process is moving forward for this project. Discussion followed.

Monte Froehlich, 129 North 10th Street, came forward and stated they closed last Friday on this property.

This matter was taken under advisement.

CHANGE OF ZONE 16025 - APPLICATION OF JANE K. BAUER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND WITTSTRUCK ROAD - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr, Suite 200, came and stated this is for a total of 80 acres. This project needs to go through three jurisdictions to be approved. The majority of the project is in the Roca jurisdiction, with the smallest portion of this project, 3 acres, for the City. Planning has stated that if Roca has approved this project then they will approve this project. Discussion followed.

Jane Raybould, Council Member, inquired who would be responsible for the roads and the upkeep of those roads.

Mr. Eckert stated the developer will build the roads to the county's standards and when the development has 60% of the 23 lots complete and occupied they can then petition the county to take over maintenance of the roads. Until that time, the Homeowners Association would take care of all the roads. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND VWR FUNDING INC. DBA VWR INTERNATIONAL, LLC FOR LABORATORY EQUIPMENT AND SUPPLIES, PURSUANT TO NASPO VALUEPOINT MASTER AGREEMENT MA 16000234-2, STATE OF NEBRASKA CONTRACT NO. 14488 OC, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH MARCH 31, 2019 IN THE AMOUNT OF \$37,500.00 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90036 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and VWR Funding Inc. dba VWR International, LLC for Laboratory Equipment and Supplies, pursuant to NASPO ValuePoint Master Agreement MA 16000234-2, State of Nebraska Contract No. 14488 OC, for a term effective upon the City's execution of this contract through March 31, 2019 in the amount of \$37,500.00, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON OCTOBER 3, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 7, 2016 AT 3:00 P.M. ON THE APPLICATION OF YARD INVESTMENTS LLC DBA GATE 25 FOR A CLASS K CATERING LIQUOR LICENSE AT 300 CANOPY STREET- CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90037 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Yard Investments LLC dba Gate 25 for a Class K Catering Liquor License at 300 Canopy Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 7, 2016 AT 3:00 P.M. ON THE APPLICATION OF COUNTRY INN & SUITES BY CARLSON DBA L OF LINCOLN TRS, LLC FOR A CLASS I LIQUOR LICENSE AT 5353 N. 27TH STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90038 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Country Inn & Suites By Carlson dba L of Lincoln TRS, LLC for a Class I Liquor License at 5353 N. 27th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 7, 2016 AT 3:00 P.M. ON THE APPLICATION OF CASTLEWOOD - PINNACLE SOUTH JORDAN LLC DBA COURTYARD BY MARRIOTT FOR A CLASS C LIQUOR LICENSE AT 808 R STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90039 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 7, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Castlewood - Pinnacle South Jordan LLC dba Courtyard by Marriott for a Class C Liquor License at 808 R Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

REFERRED TO THE PLANNING DEPARTMENT:

Text Amendment No. 10610, requested by City of Lincoln, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.170 to provide that a parking lot for a zoo may be allowed by Special Permit in the R-1 through R-8 zoning districts and in the O-2 zoning district if the parking lot is located within 360 feet from property occupied by a zoo and the parking lot is primarily used in connection with said zoo, and repealing Section 27.63.170 as hitherto existing.

Special Permit No. 16047, requested by Opahc Properties, LLC, to construct an additional parking lot with associated waivers to setbacks and storm water detention, on property generally located at 2847 A Street.

Special Permit No. 14015A, requested by Rokeby Holdings, LTD, to add approximately 22 acres, more or less, to the Grandview Estates Community Unit Plan, on property generally located at South 70th Street and Rokeby Road.

Change of Zone No. 16032, requested by Rokeby Holdings, LTD, from AG (Agricultural District) to R-3 (Residential District) for approximately 22 acres, more or less, on property generally located at South 70th Street and Rokeby Road.

Change of Zone No. 16028, requested by City of Lincoln, from B-3 (Commercial District) to R-6 (Residential District), on property legally described as Lots 1-4, Block 2, Zehrung and Ames Addition, a portion of A Street right-of-way, a portion of South 29th Street right-of-way, and a portion of adjoining alley right-of-way adjacent to Lots 1-4, Block 2, Zehrung and Ames Addition, generally located at 2847 A Street.

Change of Zone No. 16027, requested by Bryan Medical Center, to remove the Landmark Designation from that portion of the medical campus of Bryan Medical Center that formerly housed the Sophy Teeter's Nurses Home, on property generally located at 1650 Lake Street.

Change of Zone No. 16022, requested by City of Lincoln, to designate the Ager Building on Antelope Park Triangle east of the intersection of B Street and South 27th Street and associated premises west of the building as a local landmark under Section 27.57 of the Lincoln Municipal Code, on property generally located at 1300 South 27th Street.

Change of Zone No. 04075G, requested by White Holdings, LLC and 1640, LLC, Village Gardens Planned Unit Development (PUD), for a change from AG (Agricultural District) to R-3 (Residential District) PUD, and from AG (Agricultural District) to B-3 (Commercial District) PUD, on property generally located northwest of the intersection of 70th Street and Yankee Hill Road; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance, Land Subdivision Ordinance and Design Standards to provide approximately 12.5 acres for a place of religious assembly, and approximately 2.5 acres for neighborhood commercial uses.

LIQUOR RESOLUTIONS

APPLICATION OF ACR CORPORATION DBA JAKE’S CIGARS & SPIRITS TO EXPAND ITS CLASS CCS LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 25 FEET BY 54 FEET AT 101 NORTH 14TH STREET, SUITE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption for approval:

A-90040 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of ACR Corporation dba Jake’s Cigars & Spirits to expand its licensed premises by the addition of an area measuring approximately 25 feet by 54 feet, at 101 North 14th Street, Suite 1, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE YANKEE HILL ROAD FROM 70TH STREET TO HIGHWAY 2 AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90041 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the Yankee Hill Road from 70th Street to Highway 2 Project safety improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Annual Financial Interlocal Agreement between the City and RTSD in connection with funding for the Yankee Hill Road from 70th Street to Highway 2 Project and to accept ownership and maintenance of the safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (IRVINGDALE, EASTERDAY, CRIPPLE CREEK, AND SEACREST PARKS - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90042 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of renovating four neighborhood park playgrounds (Irvingdale, Easterday, Cripple Creek, and Seacrest Parks); and

WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$195,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for federal assistance from the Land and Water Conservation Grant to provide financial support for the renovation of Irvingdale, Easterday, Cripple Creek, and Seacrest Parks.

The City of Lincoln has budgeted its 50 percent match to the proposed funding total and will allocate these funds toward this project upon project approval by NGPC. The City has the financial capacity to operate and maintain the completed project and park property in a safe, attractive, and sanitary manner.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354(1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of NGPC and the Secretary of the Interior, be converted to other than public outdoor recreation use. Such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. The City will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

The Mayor is hereby authorized to sign all documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City Clerk is directed to transmit a certified copy of this Resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90043 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated October 3, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Kathy Girard-Williams &		Cynthia & William Carter	\$4,169.80
Michael Williams	\$1,000,000.00	Mike Reddish	1,865.00
Tyrone Robinson &		Michael High	1,545.93
Bertilvia Davila	232.69	Jacqueline Dettman	1,606.86
Chesterfield Services, Inc.		J.B. Hunt Transport, Inc.	57.57
TPA for The Salvation Army	2,036.05		
Cheryl Bangert	100.00		
Alan Robb	210.59		
Ramon Macias Molina	NAS*		

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

STREET NAME CHANGE 16001 - RENAMING A PORTION OF PINE LAKE ROAD GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 75TH STREET AND PINE LAKE ROAD TO ARCHER LANE - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance changing the name of a portion of Pine Lake Road generally located east of the intersection of South 75th Street and Pine Lake Road to Archer lane as recommended by the Street Name Committee, the second time.

CHANGE OF ZONE 16025 - APPLICATION OF JANE K. BAUER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND WITTSTRUCK ROAD - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending the Lincoln Zoning District adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

CHANGE OF ZONE 16024 – APPLICATION OF LEIGHTON AVE. SHOPPING CENTER, LC FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#20380**, is recorded in Ordinance Book 31.

COMP. PLAN CONFORMANCE 16006 – APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE “48TH & LEIGHTON MIXED-USE REDEVELOPMENT PROJECT” TO REDEVELOP THREE UNDERUTILIZED PARCELS WITH EXISTING SURFACE PARKING LOTS AND DETERIORATING STRUCTURES INTO A MIXED-USE DEVELOPMENT INCLUDING MARKET-RATE RESIDENTIAL UNITS AND FIRST FLOOR COMMERCIAL SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 16-95, 16R-219) (ACTION DATE: 10/24) - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90044 WHEREAS, The City Council has previously adopted the University Place Redevelopment Plan (hereinafter the “Plan”) including plans for various redevelopment projects within the Redevelopment Plan area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the “48th & Leighton Mixed-Use Redevelopment Project” to redevelop three underutilized parcels with existing surface parking lots and deteriorating structures into a mixed-use development including market-rate residential units and first floor commercial space, on property generally located between Huntington and Leighton Avenues and North 44th and North 48th Streets; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled the “Amendment to the University Place Redevelopment Plan, 48th & Leighton Mixed-Use Redevelopment Project” which is attached hereto, marked as Attachment “A”, and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2012); and

WHEREAS, on September 2, 2016, a notice of public hearing was mailed postage prepaid to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose of the public hearing to be held on September 14, 2016 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the 48th & Leighton Mixed-Use Redevelopment Project, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment “B” and “C” respectively; and

WHEREAS, the proposed Amendments to the University Place Redevelopment Plan to add the 48th & Leighton Mixed-Use Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and, on September 14, 2016, the Lincoln-Lancaster County Planning Commission held a public hearing relating to the Plan Amendments and found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 23, 2016 a notice of public hearing was mailed postage prepaid to the foregoing list of governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 17, 2016 regarding the proposed amendments to the Redevelopment Plan to add the 48th & Leighton Mixed-Use Redevelopment Project, a copy of said notice having been attached hereto as Attachment “D”; and

WHEREAS, on September 30, 2016 and October 7, 2016, a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place, and purpose of the public hearing to be held on October 17, 2016 regarding the proposed amendments to the University Place Redevelopment Plan and to add the 48th & Leighton Mixed-Use Redevelopment Project, a copy of such notice having been attached hereto and marked as Attachment “E”; and

WHEREAS, on October 17, 2016 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 48th & Leighton Mixed-Use Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will promote the general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the 48th & Leighton Mixed-Use Redevelopment Project into the University Place Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the 48th & Leighton Mixed-Use Redevelopment Project would not be economically feasible without the use of tax-increment financing.

4. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the document attached hereto as Attachment "A" adding the 48th & Leighton Mixed-Use Redevelopment Project to the University Place Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the 48th & Leighton Mixed-Use Redevelopment Project Area as described and depicted in the Plan Amendment is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements, and other activities set forth in said Plan Amendment to the University Place Redevelopment Plan.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

RESOLUTIONS - 1ST READING

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, ARTICLE 1, SECTION 6, TO INCREASE FEES FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2016.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018.

RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF THE CITY'S WATER REVENUE BONDS FOR EXPENDITURES RELATED TO IMPROVEMENTS TO THE CITY'S WATER SYSTEM.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 AGGREGATE STATED PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Trent Fellers, an ordinance authorizing and providing for the issuance, sale and delivery of General Obligation Highway Allocation Fund Refunding Bonds, Series 2016 in an aggregated principal amount not to exceed \$17,500.00 for the purpose of providing for the payment and redemption of \$17,405.00 aggregate principal amount of the City's outstanding General Obligation Highway Allocation Fund Pledge Bonds; prescribing certain of the terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his or her own independent judgment and absolute discretion in certain other terms and provisions of the bonds; pledging funds received from the Nebraska Highway Allocation Fund and providing for the levy of a tax on all of the taxable property within the city to pay the principle of and interest on such bonds; establishing the terms and condition upon which additional Highway Allocation Fund refunding bonds may be issued; and related matters, the first time.

**REGULAR MEETING
OCTOBER 24, 2016
PAGE 26**

TEXT AMENDMENT 16009 – AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.090 TO ALLOW PERMITTED WALL SIGNS ON THE BUILDING FAÇADE OF PLACES OF RELIGIOUS ASSEMBLY, SCHOOLS, AND COMMUNITY PLAYHOUSES TO BE INCREASED TO A MAXIMUM OF 100 SQUARE FEET IF SUCH USE IS LOCATED 200 FEET FROM ANY STREET FRONTAGE, TO DELETE THE REQUIREMENT THAT SUCH USE BE LOCATED IN AN AG OR AGR DISTRICT, AND TO PROVIDE THAT WHEN SUCH USE IS LOCATED A MINIMUM OF 100 FEET FROM ANY STREET FRONTAGE, THE PERMITTED WALL SIGN SHALL BE A MAXIMUM OF 50 SQUARE FEET, AND REPEALING SECTION 27.69.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending Chapter 27.69 of the Lincoln Municipal Code relating Signs by amending Section 27.69.090 to amend the exception allowing the permitted wall sign on the building facade of places of religious assembly, schools, and community playhouses to be increased form a maximum of 20 square feet to 100 square feet if such use is located a minimum of 200 feet from any street frontage, to delete the restriction that such used is located in an Ag or Agr district, and to provide that when such use is located a maximum of 50 square feet, and repealing Section 27.693090 is hitherto existing, the first time.

APPROVING THE 48TH & LEIGHTON REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 48TH & LEIGHTON I, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 46TH AND 48TH STREETS, HUNTINGTON AND LEIGHTON TO CONSTRUCT TWO NEW BUILDINGS, FOUR AND FIVE STORIES RESPECTIVELY, COLLECTIVELY INCLUDING APPROXIMATELY 28,000 SQUARE FEET OF FIRST FLOOR COMMERCIAL AND RESIDENTIAL ABOVE FOR APPROXIMATELY 184 APARTMENT UNITS. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16)

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$5,000,000 IN TIF FUNDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) - CLERK read an ordinance, introduced by Trent Fellers, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$5,000,000 for the purpose of (1) paying the cost of acquiring, purchasing, constructing, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 48th & Leighton Phase 1 Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

OPEN MICROPHONE

Ronald Sheldon, 1626 O Street, Apt. 116, came forward and stated that the City is not in compliance with LB-95 a law that the Stated changed last year on how a bicycle is defined. Discussion followed.

ADJOURNMENT

6:27 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of October 24, 2016.
Seconded by Fellers & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

Teresa J. Meier, City Clerk

Rhonda M. Bice, Office Specialist